

Message Text

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NSAE-00 EPG-02 FAA-00 PM-04 H-01 L-03 NSC-05
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C O N F I D E N T I A L SECTION 01 OF 04 LONDON 10104

FOR DELIVERY AT OPENING OF BUSINESS 20 JUNE

WHITE HOUSE FOR JOHNSTON, NSC (DEAL)
STATE FOR E, EB
PASS DOT (ADAMS, DAVENPORT, KAMM), CAB (KAHN, RODRIGUEZ)

E.O. 11652: GDS
TAGS: EAIR, UK
SUBJECT: US-UK CIVAIR NEGOTIATIONS: REPORT OF JUNE 19

1. SUMMARY, STATUS

A. IN PRIVATE WORD AT END OF 19 JUNE MTGS, SHOVELTON
TOLD BOYD
(I) HE WOULD ACCEPT LATEST US CAPACITY ARTICLE,
THOUGHT WE ESSENTIALLY HAD AGREEMENT ON CAPACITY
PROCEDURES.
(II) UK WOULD ACCEPT 2ND US CARRIER AT LA, SO
NORTH ATLANTIC DESIGNATION IS SETTLED.
(III) HE CANNOT BELIEVE WE WILL BE UNABLE TO GET
TOGETHER ON CHARTER LINKAGE.

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B. THUS WITH TARIFFS ALREADY SETTLED, ONLY HEARTLAND
ISSUE OUTSTANDING IS ROUTES. HERE THERE ARE SOME 20
ISSUES TO BE RESOLVED. DIFFICULT TO SEE HOW WE SHALL
BE ABLE TO GET SATISFACTORY RESOLUTION OF ALL THESE
TODAY. TALKS WILL UNDOUBTEDLY GO INTO TUESDAY.

2. CAPACITY ARTICLE

A. UK RESPONDED FAVORABLY TO US PROPOSAL, WHICH WAS RE-WRITE OF US RENEG 13 IN EFFORT TO TAKE ACCOUNT OF UK CONCERNS EXPRESSED LAST SATURDAY. (REPORTED LONDON 10099, PARA 4). PARA REFERENCES BELOW ARE TO US PROPOSED CAPACITY ARTICLE RELAYED IN SEPTEL THIS DATE.

B. UK MUMBLED ABOUT 2 YEAR LIMIT AT END OF PARA 2.

C. UK QUESTIONED NEED FOR LAST CLAUSE OF LAST SENTENCE IN PARA 5, WE MADE PLAIN

DOUBLE SET OF LIMITATIONS NOT POSSIBLE FOR US TO ACCEPT.

D. WE AGREED TO CHANGE "ROUTE" TO "EACH SPECIFIED ROUTE OR PART THEREOF" THROUGHOUT TEXT OF US PROPOSAL.

E. SHOVELTON CONCLUDED WE HAVE AGREEMENT ON CAPACITY ARTICLE SUBJECT TO (I) UK LEGAL EXAMINATION OF PARA 6, (II) SUITABLE RESTRICTIONS ON RTW CAPACITY (WHICH ARE PROVIDED IN FOOTNOTES OF ROUTE ANNEX, AND SO ARE NOT OBSTACLE TO AGREEMENT ON CAPACITY ARTICLE), (III) SOME MEANS TO ASSURE THAT FREQUENCIES OF NEW GUY .ON ROUTE PREVIOUSLY OPERATED BY OTHER SIDE ARE NOT CHALLENGED REGULARLY IN EFFORT TO BLOCK NEW GUY FROM BECOMING EQUAL COMPETITOR.

F. ASSESSMENT: WE HAVE ESSENTIAL AGREEMENT. UK LEGAL EXAM OF PARA 6 WOULD BE EXPECTED. POINTS (II) AND (III) IN E. ABOVE ARE SEEN AS HORTATORY. AT END OF MEETING SHOVELTON SUMMED UP: HE WOULD ACCEPT OUR CAPACITY PROPOSAL SUBJECT TO POINTS IN C,E ABOVE.

3. CAPACITY PROCEDURES

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A. PREVIOUS DISCUSSION REPORTED IN LONDON 10099 (PARA 5). REFERENCES BELOW ARE TO TEXT DISCUSSED SUNDAY RELAYED IN LONDON 10097.

B. UK EXPRESSED CONCERN OVER PREAMBLE (2ND PARA) WHICH WAS MORE EXTENSIVE THAN UK EXPECTED AS RESULT OF SATURDAY'S MEETINGS. THEN UK AGREED TO PREAMBLE WITH "EXCEPTIONAL" DELETED AND "OVERLY" CHANGED TO "UNDULY".

C. IN PARA 4(B) LIMITATION UK PUSHED FOR 12 SUMMER AND 9 WINTER. UK POINTED OUT US HAS IN MARCH OFFERED 10 PERCENT AS FALL BACK FROM ORIGINAL US 15 PERCENT FREE ZONE. SHOVELTON SAID 12 SUMMER AND 9 WINTER EQUALED 10 PERCENT AND OFFERED COMPROMISE OF 15/11 AS EQUAL TO 12-1/2 PERCENT FREE ZONE. US RESPONDED WE MUST STICK WITH 20 AND 15 (WHICH SHOVELTON TERMS 17-1/2 PERCENT INCREASE POSSIBILITY.) SAID 10-15 PERCENT FREE ZONE WAS IN ENTIRELY DIFFERENT CONTEXT' NOT RELEVANT TO PRESENT DISCUSSION.

D. AGREED TO DELETE RENUMBERED PARA 7C (PARA 10C IN

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REV VI) DEFINING "REVENUE SEAT FACTOR", AS THIS TERM
IS NO LONGER USED. IN ITS PLACE AGREED TO DEFINE
"REVENUE PASSENGER" AS ONE WHO PAYS 25 PERCENT OR MORE
OF REGULAR FARE, EXACT DEFINITION SUBJECT TO CONSISTENCY
WITH IATA.

E. ROGERS SAID HE WAS VERY WORRIED ABOUT PARA 3; SAW
ABILITY OF CARRIERS TO CHANGE COMBINATION OF CITIES ON
ROUTES AS COMPLICATING FORECASTS OF ON-BOARD TRAFFIC
FLOWS. US SAW THIS AS TYPICAL ESOTERIC OBJECTION.
UK DROPPED ISSUE AFTER LUNCH.

F. COLEGATE CONCERNED ABOUT POSSIBILITY CARRIERS
MIGHT LOAD IN CAPACITY THIS WINTER IN ORDER TO ESTABLISH
HIGHER BASE. WE SAID WE WOULD LOOK AT THIS PROBLEM.

G. DISCUSSION CONCLUDED WITH SHOVELTON SAYING NEAR
AGREEMENT ON ALL POINTS IN MECHANISM, EXCEPT FOR 20, 15
MINIMA IN PARA 4(B).

4. CHARTER LINKAGE

A. AT OPENING AM SESSION, US SUBMITTED NEW CHARTER
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ANNEX (RELAYED IN LONDON 10098). SHOVELTON SAID WE ARE NOT GOING TO FALL OUT OVER CHARTERS, BUT STRESSED UK'S EUROPEAN COMMITMENTS.

B. IN PM SESSION, UK PRESENTED NEW CHARTER ANNEX, ESSENTIALLY SAME AS US PROPOSAL SAVE FOR PARA 3. ESSENTIAL TEXT RELAYED IN SEPTTEL.

C. MUCH DISCUSSION FOCUSSED ON INTERNATIONAL COMMITMENTS OF UK, AND UK EFFORT TO MAKE ANNEX IN US-UK BILATERAL SUBORDINATE TO UK'S MULTILATERAL ECAC POLICIES, OBLIGATIONS. NO RESOLUTION. US WOULD NOT ACCEPT SUBORDINATION, FOR THEN UK COULD LEAD ECAC POLICY AS IT WISHED, IMPOSING RESULT ON US.

D. SECOND MAJOR TOPIC OF DISCUSSION WAS TOPICS TO BE COVERED IN EVENTUAL CHARTER AGREEMENT. (2ND SENTENCE OF PARA 3). NO FINAL RESOLUTION REACHED, BUT ACCEPTABLE LIST IS LIKELY.

E. AFTER DISCUSSION OF OBJECTIVE SERVED BY LAST SENTENCE OF PARA 3 (BRACKETED MATERIAL AT END OF PARA 3, LONDON 10098), US SUGGESTED ALTERNATIVE LANGUAGE IN PARA 5C OF LONDON 10098 (I.E., COUNTRY-OF-ORIGIN RULES, WITHOUT USING THAT PHRASE) IN EFFORT TO ACCOMMODATE UK DESIRE FOR PARALLELISM OF CHARTER RULES. UK DID NOT ACCEPT LANGUAGE.

F. US THEN OFFERED ENDING 5D, BUT UK DID NOT ACCEPT THAT EITHER.

G. ISSUE LEFT UNRESOLVED.

5. DESIGNATION

A. MOST RECENT FORMAL US STATEMENT ON DESIGNATION IS US RENEG 57.

B. NO RESOLUTION YET OF PROBLEM CITED IN PARA 8C OF LONDON 10099.

C. UK WILL ACCEPT 2 US CARRIERS LA-LONDON.

D. ONLY ISSUE REMAINING ON DESIGNATION IS WHETHER UK WILL HAVE APPROVAL RIGHT OF DESIGNATIONS OF NEW (ADDITIONAL) CONFIDENTIAL

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TIONAL) US AIRLINES IN BERMUDA, CARIBBEAN, PACIFIC AREAS. THERE IS NO PROBLEM OVER CURRENT MULTIPLE DESIGNATIONS.

6. NOTES TO ROUTE SCHEDULES

A. FOR REFERENCE PURPOSES, US RENEG 56 RELAYED THIS DATE BY SEPTTEL. DISCUSSION REPORTED BELOW IS ON US PROPOSALS.

B. UK SAID NOTE L HAS TOO MUCH FLEXIBILITY, SHOULDN'T

HAVE BLIND SECTOR RIGHTS TO ALL OF EUROPE FROM ALL US GATEWAYS. UK CONCERN ON NOTE L SEEMS TO BE LATE ARISING, RESPONDING TO US INTEREST IN HAVING IT.

C. NOTE 2 GIVES THEM PROBLEM, SEE THIS AS MEANS FOR US CARRIERS TO SERVE LONDON-HK MARKET (OVER US WEST COAST).

D. SECOND SENTENCE OF NOTE 3 IS ACCEPTABLE TO UK ONLY FOR CARGO.

E. UK WOULD ACCEPT NOTE 4 WITH DELETION OF "IN ITS OWN TERRITORY". PROBLEM IS THAT WOULD GIVE UK THEIR FLIGHT RIGHTS TO FLY ROME-NY VIA LONDON; NO PRECEDENT FOR THIS INTERNATIONAL AIR TRANSPORT.

F. NOTE 5 IS ACCEPTABLE TO UK WITH "NO GREATER" CHANGED TO "SMALLER" AND IF CHANGE OF GAUGE CONNECTION TIME IS

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LIMITED TO 2 HOURS. US AGREED TO CHANGE, BUT NOT 2 HOUR CONDITION.

G. NOTE 6 IS OK - IS EDITORIAL RE-WRITE OF UK PROPOSED NOTE.

7. ROUND-THE-WORLD ROUTE

A. UK ASKED THAT ROUTE READ: NEW YORK - LONDON (NOTE II FRANKFURT - LEBANON - SYRIA - TEHRAN (NOTE IV) - KARACHI-

DELHI (NOTE IV) - CALCUTTA - BANGKOK - HONG KONG

(NOTE II) - TOKYO - SAN FRANCISCO - NEW YORK (NOTE IV),

WITH FOLLOWING NOTES TO APPLY:

(I) THE DESIGNATED US AIRLINE SHALL NOT OPERATE MORE THAN ONE SERVICE PER DAY IN EACH DIRECTION WITH AN AIRCRAFT WITH NO MORE THAN 420 SEATS. ALL SERVICES SHALL BE OPERATED THROUGH LONDON AND HK WITHOUT TERMINATING AT ANY OF THE INTERMEDIATE POINTS.

(II) NO REVENUE TRAFFIC SHALL BE UPLIFTED IN LONDON FOR DISCHARGE IN HK NOR UPLIFTED IN HONG KONG FOR DISCHARGE IN LONDON WITHOUT SPECIAL PERMISSION.

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(III) SERVICES OPERATED WITH 5TH FREEDOM RIGHTS ON THE SECTORS HK-TOKYO AND HK-BANGKOK SHALL COUNT TOWARDS TOTAL 5TH FREEDOM ALLOWED FOR ALL DESIGNATED US AIRLINES ON THESE SECTORS AS DEFINED IN THE NOTES TO US ROUTE 3.

(IV) THE DESIGNATED US AIRLINE SHALL NOT SERVE TEHRAN OR DELHI WITH MORE THAN 4 SERVICES PER WEEK IN EACH DIRECTION.

B. US SAID NO; COULD NOT ACCEPTED SO LIMITED AN RTW.

C. UK COULD NOT UNDERSTAND WHY US COULD NOT ACCEPT UK DESCRIPTION OF RTW ROUTE. UK WOULD ALLOW ONLY 4 FLIGHTS EACH WEEK WITH 5TH FREEDOM RIGHTS TO TEHRAN, DELHI.

(THE TAKING BREAD OUT OF BRITISH MOUTH LINE AGAIN.)

NO RESOLUTION; US HELD OUT FOR 7 FLIGHTS WEEKLY, WITH NO 5TH FREEDOM RESTRICTIONS. US WANTS TURKEY, JAPAN ON RTW

D. US SAID COULD ACCEPT RTW ROUTE WITH US GATEWAY POINTS LIMITED TO NY, WASH, LA, SFO, HON.

8. NORTH ATLANTIC ROUTES

A. SHOVELTON ASKED THAT DISCUSSION WORK OFF OF UK PROPOSED SCHEDULE. ACTUALLY, IT WENT BACK AND FORTH.

B. UK ASKED WHETHER TURKEY WAS AN END POINT OR PART OF RTW ROUTE. US AGREED TURKEY WAS NOT TERMINATING POINT SAID IT WAS AN RTW POINT. (UK DID NOT ACCEPT.)

C. UK ASKED WHETHER US COULD ACCEPT FOLLOWING LANGUAGE RE BERLIN SERVICES: "A DESIGNATED US AIRLINE MAY OPERATE SCHEDULED SERVICES BETWEEN BERLIN AND LONDON AT A FREQUENCY OF NOT MORE THAN 7 SERVICES PER WEEK IN EACH DIRECTION WITH AIRCRAFT WITH NOT MORE THAN 150 SEATS. SUCH SERVICES SHALL CONNECT WITH A SERVICE OPERATED AS PART OF US ROUTE 1 AND SHALL BE OPERATED UNDER A FLIGHT NUMBER OR NUMBERS USED FOR THE SERVICE ON US ROUTE L."

D. US SAID NO, GAVE ANSWER ALONG LINE US RENEG 60, SUB-
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MITTED TO UKDEL JUNE 17 (RELAYED IN LONDON 10008).

E. UK RAISED QUESTION OF DATES FOR INITIATION OF
DFW-LONDON ROUTE AND END OF RECIPROCAL EXCLUSIVE RIGHTS
AT ATL, HOU. UK WANTED APRIL L, L98L; US HAD WANTED
JUNE L, L980. FINAL RESOLUTION WAS 3 YEARS FROM DATE
OF SIGNING FINAL AGREEMENT.

F. UK WANTS END OF 5TH FREEDOM RIGHTS TO MOSCOW, VIENNA
TERMINATED AT END OF SUMMER. US DID NOT AGREE.

G. UK SAID SAUDI ARABIA WAS OUT. US SAID THEN REST OF
US OFFER WOULD HAVE TO CHANGE. NO RESOLUTION.

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H. SERIOUS OBJECTION TO FRANKFURT 5TH FREEDOM, WHERE
UK SEES POSSIBILITY OF 2 US 747'S EACH DAY. US HAD
AGREED TO ONE AIRLINE TO 5TH FREEDOM POINTS IN
EUROPE, EXCEPT AT FRANKFURT. SAID WE MUST HAVE 2
CARRIERS WITH 5TH FREEDOM RIGHTS LONDON-FRANKFURT.

I. ALTHOUGH UK HAD PREVIOUSLY MADE BIG POINT OF NOT
WANTING ANY RIGHTS BEYOND US, THAT 5TH FREEDOM CONCEPT
WAS OBSOLETE, UK NOW ASKED FOR 5TH FREEDOM RIGHTS US TO

CALGARY, EDMONTON, MEXICO CITY, BOGOTA, CARACAS, LIMA.
WE AGREED FROM NY. THIS UPSET UK AS BEING NIGGARDLY
RESPONSE. ISSUE IS OPEN.

J. COMPLICATED DISCUSSION FOLLOWED INVOLVING ALL-CARGO
RIGHTS AT HOUSTON (FOR UK), MANCHESTER, AND SAUDI ARABIA
(FOR US). UK OFFERED US 5TH FREEDOM ALL-CARGO RIGHTS
BEYOND UK TO FRG, IRAN, INDIA (BUT NOT ARABIAN PENIN)
IF EITHER (I) US GIVES UP MANCHESTER, ARABIAN PENIN, AND
ADDS HOU TO UK ALL-CARGO ROUTE, OR (II) US GIVES UP
ARABIAN PENIN AND GRANTS UK ALL-CARGO EXCLUSIVE AT HOU.

9. CARIBBEAN ROUTES
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- A. UK SAID THEY NEEDED SAME INTERMEDIATE/BEYOND POINTS
FOR UK CARRIERS, AS US CARRIERS WOULD HAVE MANY. SAID
THIS IS PARTICULAR OPTICAL PROBLEM FOR TERRITORIES THERE.
- B. UK SAID BELIZE NEEDED YUCATAN RIGHTS SO TRAFFIC
THERE WOULD BE 5TH, RATHER THAN PRESENT 6TH FREEDOM.
- C. UK SAID OUTER LYING ISLANDS NEED A NORTHERN US
GATEWAY.
- D. NO RESOLUTION OF THESE ISSUES.

10. PACIFIC ROUTES

- A. UK WANTS L4 WEEKLY FLIGHT RESTRICTIONS ON HK-TOKYO
SEGMENT TO READ HK-JAPAN. WE AGREED. THIS HAD BEEN
RECENT HARDENING OF US POSITION.
- B. UK OFFERED HK-SINGAPORE RIGHTS IF WE DROPPED
REQUEST FOR TAIWAN, KOREA AND FOR ALL-CARGO 5TH FREE-
DOM. WESAID IT IS A PACKAGE DEAL, AND THIS IS NOT
PART OF PACKAGE WE HAVE PUT TOGETHER.
- C. UK EMPHASIZED MINIMAL VALUE OF 5TH FREEDOM ALL-
CARGO RIGHTS.
- D. DISCUSSION VERY INCONCLUSIVE.

11. CONCLUSION

- A. IN PRIVATE WORD AT END OF MTG, SHOVELTON TOLD BOYD
HE COULD AGREE ON CAPACITY, NORTH ATLANTIC DESIGNATION
ISSUES. SAID HE JUST FELT WE MUST BE ABLE TO WORK OUT
SOMETHING ON CHARTER LINKAGE.
- B. SHOVELTON SAID WE HAVE VERY SERIOUS PROBLEMS ON
ROUTES. UK IS TERRIBLY CONCERNED ABOUT NOTE L.
BOYD RESPONDED NO AGREEMENT WITHOUT NOTE L.
- C. SHOVELTON SAID UK STILL HAD GREAT PROBLEMS WITH
PACKAGE OF US BEYOND RIGHTS.
- D. BOYD SAID WHEN WE GAVE OUR PACKAGE DEAL JUNE 2 AND
JUNE 13 WE WENT TO THE BOTTOM LINE. IT WAS A PACKAGE.
SAID UK WANTED TO EMASCULATE OUR LONDON-FRANKFURT RIGHTS,

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WE JUST COULD NOT ACCEPT TEHRAN, DELHI RESTRICTIONS
PROPOSED.

E. SHOVELTON SAID HE JUST COULDN'T GIVE SAUDI ARABIA.
EXPRESSED TERRIBLE CONCERNS IN OTHER AREAS, I.E.,
PACIFIC.

F. BOYD SAID THERE IS NO WAY WE CAN ACCEPT MANIFOLD UK
RESTRICTIONS ON HK RIGHTS. SHOVELTON SAID HKG IS NOT
DISPOSED TO ACCEDE TO US REQUESTS, CALLAGHAN WILL NOT
TURN HIS BACK ON GOVERNMENT OF HK.

G. SHOVELTON CONCLUDED SAYING HE'S SURE WE'LL REACH
AN AGREEMENT. BOYD SAID NOT UNLESS ATLANTIC, PACIFIC
ROUTE ISSUES ARE SATISFACTORILY RESOLVED.

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Message Attributes

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